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8 Attorney for Defendant
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) NO. CR.S. 04-0366-WBS
Plaintiff,)
v.) **STIPULATION AND ORDER RE**
SHERYL DENISE DAVIS and DANIEL) **CONTINUANCE OF STATUS HEARING AND**
WALLACE SMITH,) **FINDINGS OF EXCLUDABLE TIME**
Defendant.) DATE: September 7, 2005
) TIME: 9:00 a.m.
) JUDGE: Hon. William B. Shubb
)

DANIEL WALLACE SMITH, by and through his counsel, DENNIS S. WAKS, Supervising Assistant Federal Defender, defendant SHERYL DAVIS by and through her counsel, C. EMMETT MAHLE, and the United States Government, by and through its counsel, Matthew S. Stegman, Assistant United States Attorney, hereby agree that the status conference set for August 3, 2005 be continued to September 7, 2005 at 9:00 a.m. This continuance is requested because the Federal Defenders Office was recently appointed to this case and has received over 1200 pages of discovery which will require additional time to review. The defendants in this case consent to this continuance.

Accordingly, all counsel, along with Mr. Smith and Ms. Davis agree that the time from August 3, 2005 through September 7, 2005

1 should be excluded in computing the time within which trial must
2 commence under the Speedy Trial Act, §3161(h)(8)(B)(iv) and Local Code
3 T4. [reasonable time to prepare].

4 DATED: August 2, 2005

5 Respectfully submitted,

6 QUIN DENVIR
7 Federal Defender

8 /S/ Dennis S. Waks

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DENNIS S. WAKS
10 Supervising Assistant Federal Defender
Attorney for Defendant
DANIEL WALLACE SMITH

11 DATED: August 2, 2005

12 /S/ Dennis S. Waks for

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EMMETT MAHLE, Esq.
14 Attorney for Defendant
SHERYL DAVIS

16 McGREGOR SCOTT
17 United States Attorney

18 DATE: August 2, 2005

/S/ Dennis S. Waks for

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MATTHEW S. STEGMAN
20 Assistant United States Attorney

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5 Attorney for Defendant
DANIEL WALLACE SMITH

7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) NO. CR.S. 04-0366-WBS
11)
12 Plaintiff,)
13 v.) **ORDER RE CONTINUANCE OF STATUS
14) HEARING AND FINDINGS OF
15) EXCLUDABLE TIME**
16)
17) DATE: September 7, 2005
18) TIME: 9:00 a.m.
19) JUDGE: Hon. William B. Shubb
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ORDER AND FINDINGS

The new status conference is set for September 7, 2005 at 9:00 a.m. For the foregoing reasons, the court finds that the interests of justice are best served and the public interest is protected by granting the continuance in the above-captioned matter. Accordingly, time under the Speedy Trial Act is excluded from August 3, 2005, through September 7, 2005, in computing the time within which trial must commence under the Speedy Trial Act, pursuant to Title 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4. (reasonable time to prepare.)

DATED: August 2, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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